

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on April 6, 2004 at 7:03 p.m. after a 6:30 p.m. caucus session.

Mayor Carter presiding.

Mayor Carter led the Pledge of Allegiance to the United States of America.

The following members of the Council answered roll call: YEA Commissioner Mark Donnell, YEA Commissioner Harold Gambill, Absent Commissioner Jerrold Hesse, YEA Commissioner David Schilling, YEA Mayor David E. Carter.

Steven Bergfeld of Mattoon and Ed Way of the Brotherhood of Locomotive Engineers gave a presentation on railroad safety issues regarding remote control locomotive operations at the Mattoon switching facilities, and requested the Council to adopt a resolution banning the operations of remote controlled locomotives within the boundaries of Mattoon. Council discussed with Mr. Way and Mr. Bergfeld the labor issues, resolution's impact, other communities' actions, safety issues, Mattoon's site as training facility, state legislature preemptions, whistle-blowing bans, the number of accidents/dates occurred, Canadian National's response to resolution, and consideration of resolution as an initiative to resolving the safety issue.

Mayor Carter proclaimed April 17th, 2004, as March of Dimes Walk America Day.

Mayor Carter seconded by Commissioner Schilling moved to approve the minutes of the Regular Meeting held on March 16, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to approve the department reports of Police Department for the month of February.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Donnell moved to approve the bills and payroll for the last half of March.

Bills and Payroll

General Fund

Payroll	\$ 210,928.03
Bills	<u>\$ 63,198.14</u>
Total	\$ 274,126.17

Hotel Tax Fund

Payroll		\$	1,375.23
Bills		\$	27,483.74
	Total	\$	28,858.97
	<u>Festival Management</u>		
Bills		\$	27,260.36
	Total	\$	27,260.36
	<u>Insurance & Tort Judgment</u>		
Bills		\$	191,682.15
	Total	\$	191,682.15
	<u>Capital Project</u>		
Bills		\$	17,793.47
	Total	\$	17,793.47
	<u>Water Fund</u>		
Payroll		\$	30,949.16
Bills		\$	86,517.98
	Total	\$	117,467.14
	<u>Sewer Fund</u>		
Payroll		\$	33,722.17
Bills		\$	61,802.72
	Total	\$	95,524.89
	<u>Cemetery Fund</u>		
Payroll		\$	3,856.97
Bills		\$	1,170.79
	Total	\$	5,027.76
	<u>Health Insurance</u>		
Bills		\$	94,258.58
	Total	\$	92,258.58
	<u>Motor Fuel Tax</u>		
Bills		\$	18,870.14
	Total	\$	18,870.14
	<u>Water Fund</u>		
Bills		\$	160.00
	Total	\$	160.00

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to adopt Ordinance 2004-5176, repealing Special Ordinance No. 2003-930 and amending the Mattoon Code of Ordinances regarding obligations of the municipality related to municipal employees who are called to active military service.

ORDINANCE NO. 2004-5176

AN ORDINANCE REPEALING SPECIAL ORDINANCE NO. 2003-930 AND AMENDING THE MATTOON CODE OF ORDINANCES REGARDING OBLIGATIONS OF THE MUNICIPALITY RELATED TO MUNICIPAL EMPLOYEES WHO ARE CALLED TO ACTIVE MILITARY SERVICE

WHEREAS, on April 15, 2003, the City Council adopted Special Ordinance No. 2003-930 amending the City's Health Insurance Plan by authorizing primary coverage for dependents of employees called to active military duty, whose existing health care providers are not accepted by the military insurance provider; and,

WHEREAS, city officials attending a recent municipal law seminar learned that provisions of Special Ordinance No. 2003-930 are not entirely consistent with requirements of a state law that governs military leave.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Special Ordinance No. 2003-930 is repealed.

Section 2. Chapter 37 of the Code of Ordinances of the City of Mattoon is hereby amended by the addition of Section 37.03 titled "Employees Called to Active Military Service" as follows:

§ 37.03 EMPLOYEES CALLED TO ACTIVE MILITARY SERVICE

(A) The municipality shall comply with state and federal laws that govern military leave: to wit:

(1) The Public Services Armed Services Rights Act, 5 ILCS 330/1 et seq., requires Illinois public employers to protect the employment benefits of employees who are called to active duty that the employees would have enjoyed had they not been called to active duty. The Act does not distinguish between employees that joined the military service prior their employment or after their employment.

(2) The Military Leave of Absence Act, 5 ILCS 325/1 et seq., requires public employers to permit full-time employees who are members of any reserve component of the United States Armed Forces or the Illinois State Militia a leave of absence for any period of time actively spent in military service, and specifies that seniority and other benefits continue to accrue during such leave. The law also requires that such employees shall receive their regular compensation from their public employer during such leave, minus the amount of the employee's base pay for military activities.

(3) The Local Government Employees Benefits Continuation Act, 50 ILCS 140/2 prescribes the benefits that employees shall receive for the duration of the employee's active military service. The law entitles full-time employees of local governments to receive the same regular compensation that they were receiving at the time they were mobilized to active military duty; plus health insurance and other benefits they were receiving at that time, minus the amount of their base pay for military service.

(4) The Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 entitles regular full-time municipal employees who have been called for active duty with the armed forces to full reemployment rights upon their return, as long as such leave does not

exceed five years. This federal law covers all employees who are called to military duty except (1) employees that have worked for “brief, nonrecurring periods” that cannot be expected to continue indefinitely or for a significant period of time; and (2) temporary employees such as seasonal employees.

(B) The health insurance plan of the municipality will provide primary coverage for spouses and dependent children of employees called to active military duty, whose existing health care providers are not accepted by the military insurance provider. In these circumstances, the municipality will underwrite the cost of BOTH the employer and employee share of the cost of the health plan.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Carter, seconded by Commissioner Schilling, adopted this 6th day of April, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Schilling, Mayor Carter
NAYS (Names): None
ABSENT (Names): Commissioner Hesse

Approved this 6th day of April, 2004.

/s/ David E. Carter

David Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
Preston Owen, City Attorney

Recorded in the Municipality's Records on April 7th, 2004.

Mayor Carter opened the floor. City Administrator Richard Underkofler elaborated on the ordinance involving dependents of employees called to active duty and their current coverage. City Attorney Preston Owen and Mr. Underkofler had attended a seminar and gathered information indicating the City's ordinance to be in compliance with State and Federal legislation. Mr. Underkofler stated the purpose of the ordinance was to codify the laws in the city's codes. Council discussed the effect on bargaining units with Mr. Underkofler's response as the bargaining units have to comply regardless of contract language.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to adopt Ordinance 2004-5177, amending the Mattoon Code of Ordinances repealing prohibitions on swimming and jet driven boats on Lake Mattoon and

requiring resolution adopted by the City Council for changes to become effective for boat registration and camping fees.

CITY OF MATTOON

ORDINANCE NO. 2004-5177

AN ORDINANCE AMENDING THE MATTOON CODE OF ORDINANCES REPEALING PROHIBITIONS ON SWIMMING AND JET DRIVEN BOATS ON LAKE MATTOON AND REQUIRING RESOLUTIONS ADOPTED BY THE CITY COUNCIL FOR CHANGES TO BECOME EFFECTIVE FOR BOAT REGISTRATION AND CAMPING FEES

BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Section §98.29 of Chapter 98 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

§ 98.29 SWIMMING, BATHING AND WADING

It shall be unlawful for any person:

A. To swim in Lake Paradise.

B. To swim, bathe or wade in the reservoirs who is afflicted with or who is a carrier of any contagious, infectious or venereal diseases.

C. To use the reservoirs for swimming, bathing, or wading purposes in such a manner as to create any unsanitary condition in or about the reservoirs or as to pollute the waters thereof or to make such waters unwholesome or unfit for water supply purposes or injurious to the aquatic life thereof.

~~D. To swim, bathe or wade, to swim out of boats, to skin dive on the reservoirs except in designated areas.~~

~~E. To swim, bath or wade in the remainder of the reservoirs except:~~

~~(1) Property owners having water frontage will be permitted to swim, bath and wade in front of their property, within a fifty (50) foot limit. The fifty (50) foot limit shall be measured from the water line at the property or shoreline parallel to the water and extending parallel to the existing side property lines.~~

~~(2) Such swimming, bathing and wading shall be permitted only for the property owners and/or their guests. Property owners shall not profit by charging fees for the above privileges.~~

~~(3) Movable buoys shall be positioned at the fifty (50) foot swimming limit by the property owners, and said buoys, shall be orange in color, with a light reflective band at top. Buoys shall be visible for a minimum of 300 feet. Nylon cord and concrete blocks shall be used to anchor buoys in place. No wire or cable shall be used, and only nylon cord shall be used. Buoys shall be moved as the water level rises and recedes to maintain the maximum fifty (50) foot limit. Buoys shall be no closer together than thirty (30) feet minimum and buoys will not be strung together. Property owners shall be responsible for the acquisition and maintenance of their own buoys.~~

~~(4) Each property owner having water frontage that they wish to swim from shall carry liability insurance in limits not less than \$1 million per occurrence and \$2 million in the aggregate and shall forward a certificate providing evidence of coverage to the Mattoon Park Department on an annual basis. Said~~

~~insurance shall be name the City of Mattoon as an “additional insured”.~~

~~(5) Upon receipt of proof of insurance each property owner will be assigned a number by the Park Department to identify the property and said number will be displayed on owner’s property facing the water and shall be updated annually. Said number shall be a minimum of 4 inches high.~~

Section 2. Section §98.60 of Chapter 98 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

98.60 BOATING RESTRICTED

It shall be unlawful for any person to operate, propel or use the following:

- A. Any craft or boat on Lake Paradise in excess of no wake.
- B. Any craft or boat on the reservoirs having a motor engine of greater rated horsepower than that which was designed for the craft or boat.
- ~~C. Any hydroplane, jet ski, or other similar devices, or air propelled driven craft or boat.~~

Section 3. Section §98.61 of Chapter 98 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

98.61 BOAT REGISTRATION

- A. **Registration Required.** It shall be unlawful for any person to propel, keep or use in the reservoirs or store or keep on the marginal land any boat or craft of any kind without first having such a boat or craft registered and procured a registration number from the City.
- B. **Boat Numbers.** The city registration number shall be displayed in the right rear corner of the boat. No number other than the number awarded by the state shall be painted, attached, or otherwise displayed on either side of the bow of a motor boat. The city registration numbers, however, may be displayed on sailboats.
- C. **Term.** Each such registration shall terminate on December 31 of the current calendar year and may be annually renewed by filing an application before such boat or craft may be lawfully propelled, kept or used in the reservoirs.
- D. **Fees.** Annual boat registration fees are established by a resolution ~~ordinance~~ of the City Council. Fees are not pro rated for the fractional part of any calendar year.
- E. **Sale of Boats.** Upon the sale of any boat or craft, the registration issued therefore shall cease to apply, and are non-transferable. The boat or craft so sold shall be removed from the reservoirs or registered by the purchaser as in the case of an original registration.

Section 4. Section §98.100 of Chapter 98 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

98.100 CAMPGROUND & DOCK RULES AND REGULATIONS.

Rules and regulations for the management and operation of Lake Mattoon Campgrounds and the Marina are attached as exhibits to this Chapter. These rules and regulations may be amended or repealed by the City Council as deemed necessary at its sole discretion. The attached rules and regulations, and as may amended in the future, are adopted herein by reference.

98.101 RENT.

Annual rental fees for use of campgrounds and docks are established by a resolution ~~ordinance~~ of the City Council. Fees may be changed by the City Council as deemed necessary at its sole discretion.

98.102 EVICTION.

The City reserves the right to discharge and evict any person that fails to abide by campground and dock rules and regulations.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 6. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Donnell, seconded by Commissioner Gambill, adopted this 6th day of April, 2004, by a roll call vote, as follows:

AYES (Names):	Commissioner Donnell, Commissioner Gambill, Commissioner Schilling, Mayor Carter
NAYS (Names):	None
ABSENT (Names):	Commissioner Hesse

Approved this 6th day of April, 2004.

/s/ David E. Carter

David Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 7, 2004.

Mayor Carter opened the floor. George Gullion, Jr. of Mattoon voiced concern over the jet boats causing erosion to the lakeshores, and was a reason for the original ordinance. Council with Mr. Underkofler stated there would be speed limit laws and jet skis would be prohibited.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Donnell moved to adopt Ordinance 2004-5178 substitute, amending the Mattoon Code of ordinances altering requirements pertaining to pretreatment of wastewater discharged in the sewer collection system.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2004-5178

AN ORDINANCE AMENDING THE MATTOON CODE OF ORDINANCES ALTERING REQUIREMENTS PERTAINING TO PRETREATMENT OF WASTEWATER DISCHARGED IN THE SEWER COLLECTION SYSTEM

WHEREAS, typographical errors, incorrect paragraph references and other regulatory requirements not locally necessary have been found in Ordinance No. 2003-5165 passed August 5, 2003, the last version of the industrial wastewater pretreatment ordinance adopted by the City Council to comply with applicable state and federal laws governing the City of Mattoon's wastewater treatment plant; and

WHEREAS, it is now necessary for the City Council to adopt an ordinance correcting the errors and unnecessary requirements.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon, Coles County, Illinois as follows:

Section 1. Section §50.115 of Chapter 50 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

INDUSTRIAL WASTEWATER PRETREATMENT

§ 50.115 Purpose and Policy

(A) This subchapter establishes uniform requirements for users of the wastewater collection system and the Publicly Owned Treatment Works (POTW) of the City of Mattoon. This subchapter enables the City of Mattoon to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 *et seq.*), and the General Pretreatment Regulations (40 CFR. 403). The objectives of this subchapter are

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
- (7) To enable the City of Mattoon to comply with its NPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.

(B) This subchapter shall apply to all industrial users of the POTW. It authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Section 2. The definition of “Significant Noncompliance” in Section §50.117 of Chapter 50 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

“Significant Noncompliance” shall mean the Significant Industrial User is in violation of one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for fats, oil, and grease, and 1.2 for all other pollutants except pH).
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City’s exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report non-compliance;
- (8) Any other violation or group of violations that the City determines will adversely affect the operation or implementation of the local pretreatment program.

Section 3. Paragraph (E) of Section §50.119 of Chapter 50 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

(E) *Specific Pollutant Limitations.* Discharges from each separate discharge of a User shall not contain in excess of the following concentrations based upon a 24-hour composite sample. Multiple industrial wastewater discharges from a permitted facility exclusive of domestic and cooling waters may be combined in a flow-weighted manner to determine compliance with the following limitations for a 24-hour composite sample unless indicated as grab samples.

Concentrations	
Pollutant	<u>(mg/l)</u>
Arsenic (total)	0.10
Ammonia Nitrogen	100.0

Barium (total)	5.0
Cadmium (total)	0.05
Chromium (total)	1.70
Copper (total)	1.20
Cyanide (total) (grab)	0.15
Fluoride (total)	15.0
Iron (total)	10.0
Lead (total)	1.50
Manganese (total)	1.0
Mercury	0.0005
Molybdenum	0.2
Nickel (total)	1.47
Phenols (grab)	2.0
Selenium (total)	1.0
Silver	5.0
Zinc (total)	1.30

Section 4. Subparagraph A(1) of Section §50.123 of Chapter 50 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

§50.123 Reporting Requirements

(A) Baseline Monitoring Reports

(1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR Section 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City a report which contains the information listed in paragraph (2), below. New sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains information listed in paragraph (2) below at least ninety (90) days prior to commencement of wastewater discharge. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

Section 5. Paragraph (I) and (J) of Section §50.123 of Chapter 50 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

(I) Notification of the Discharge of Hazardous Waste. Any Industrial User who commences the discharge of hazardous waste shall notify the City, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge to the City of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Section 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Section 261, the EPA hazardous waste number, and the type of discharge. If the Industrial User discharges more than 100 kilograms of such waste per calendar month, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements.

(J) Dischargers are exempt from the requirements of paragraph (I) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes requires a one-time notification.

Section 6. Paragraph (B) of Section §50.126 of Chapter 50 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

(B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria [1.4 for fats, oils and greases and pH, and 1.2 for all other pollutants];

Section 7. Subparagraph C (3) of Section §50.129 of Chapter 50 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

(3) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subparagraphs (C)(4) and (C)(6) of this section.

Section 8. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 9. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Gambill, seconded by Commissioner Donnell, adopted this 6th day of April, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill, Commissioner Schilling, Mayor Carter
NAYS (Names): None

ABSENT (Names): Commissioner Hesse

Approved this 7th day of April, 2004.

/s/ David E. Carter

David Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 7, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to adopt Resolution 2004-2547, increasing boat registration and camping fees at Lake Mattoon effective May 1, 2004.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2004-2547

A RESOLUTION INCREASING BOAT REGISTRATION AND CAMPING FEES AT LAKE MATTOON EFFECTIVE MAY 1, 2004

WHEREAS, the City Council adopted Resolution 2004-2542 March 2, 2004 adopting budget strategies for next fiscal year; and

WHEREAS, one of the strategies called for "maintaining user charges sufficient to make Lake Mattoon operations self-sustaining"; and

WHEREAS, the Public Works Advisory Board recommended the boat registration and camping fees contained in this resolution at a regular meeting held March 30, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Boat Registration Fees. It is unlawful for any person to propel, keep or use in the reservoirs or store or keep on the marginal land any boat or craft of any kind without first having such a boat or craft registered and procured a registration number from the City. The city registration number shall be displayed in the right rear corner of the boat. No number other than the number awarded by the state shall be painted, attached, or otherwise displayed on either side of the bow of a motor boat. The city registration numbers, however, may be displayed on sailboats. Each such registration shall terminate on December 31 of the

current calendar year and may be annually renewed by filing an application before such boat or craft may be lawfully propelled, kept or used in the reservoirs. Fees are not pro rated for the fractional part of any calendar year. Upon the sale of any boat or craft, the registration issued therefore shall cease to apply, and are non-transferable. The boat or craft so sold shall be removed from the reservoirs or registered by the purchaser as in the case of an original registration. (§ 98.61, City of Mattoon Code of Ordinances)

Annual boat registration fees are presented in the following table:

Type Boat	Fee	Notes
Motorized Boats	\$40.00	Applies to all motorized boat or craft that may be lawfully kept or used at Lake Mattoon and Lake Paradise.
Non-motorized Boats	\$10.00	Includes trolling motors.

Section 2. Campground Rental Fees. Annual rental fees for use of campgrounds are presented in the following table:

Lake Mattoon Campground East

Seasonal Rate	\$1,000.00	April 1 to October 1
Electric Hookup	\$162.00	\$13.50 each month for 12 months
Water Hookup	\$90.00	\$15.00 each month for 6 months.
Monthly Rate	\$180.00	Plus electric and water.
Daily Rate	\$20.00	Electric and water hookups not available for daily rate customers.
Boat Docks	\$150.00	Yearly for one side or \$300 for two sides.

Lake Mattoon Campground West

Seasonal Rate	\$1,090.00	April 15th to October 15th
Monthly Rate	\$200.00	

Daily Rate	\$18.00	
Boat Docks	\$150.00	Yearly for one side or \$300 for two sides.
Daily Tent Rate	\$8.00	

Section 3. Fees adopted by this resolution shall go into effect May 1, 2004. Fees paid prior to May 1st shall be exempt from the higher rates adopted by this resolution.

Upon motion by Commissioner Donnell, seconded by Commissioner Gambill, adopted this 6th day of April, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill, Commissioner Schilling, Mayor Carter

NAYS (Names): None

ABSENT (Names): Commissioner Hesse

Approved this 6th day of April, 2004.

/s/ David E. Carter

David Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 7th, 2004.

Mayor Carter opened the floor for discussion. Council inquired as to the increase. Administrator Underkofler referred to the budget strategies of the 2004-2005 fiscal year, stated the increases would assist in creating a self-sustaining campground, the Public Works Advisory Committee's passage of the increase, an increase from \$35 to \$40 per year boat registration fee, and \$100 per year increase in camping fees. The subsidization was questioned with a response from Public Works Director Wortman that the marina was becoming more self-sufficient.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to adopt Resolution 2004-2548 substitute, establishing contributions required of employees and retirees who elect to participate in the City of Mattoon's Group Health and Life Insurance Plans.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2004-2548 SUBSTITUTE

A RESOLUTION ESTABLISHING CONTRIBUTIONS REQUIRED OF EMPLOYEES AND RETIREES WHO ELECT TO PARTICIPATE IN THE CITY OF MATTOON'S GROUP HEALTH AND LIFE INSURANCE PLANS

WHEREAS, the City of Mattoon is subject to three (3) collective bargaining agreements which prescribe that employees shall pay 15% of the cost of the health insurance plan by payroll deduction on a retrospective basis with the first paycheck of May after the cost for the preceding calendar year are disclosed by the Employer's health insurance administrator; and

WHEREAS, Illinois statutes enable a municipality to make health plan benefits for retirees supplemental to Medicare and to offer these supplemental benefits at a different retiree contribution rate than regular benefits provided by the group plan; and

WHEREAS, State statutes do not presently require a municipality to pay any portion of the cost of post employment benefits for retired employees; and

WHEREAS, the City recognized expenditures of \$547,460 for 108 retirees for post-employment health care for the fiscal year ended April 30, 2003; and

WHEREAS, the budget for the City's share of the Health Plan for retirees for the current fiscal year ending April 30, 2004 is \$708,865; and

WHEREAS, actual health plan expenditures for calendar year 2003 were \$290.42 per month for single coverage and \$842.22 per month for family coverage, as reported by Benefit Administrative Systems, the Employer's health insurance plan administrator, a copy of which is attached and incorporated by reference; and

WHEREAS, in the wake of the property tax extension limitation effective in Coles County and declining general government revenues, the municipality can no longer afford to underwrite retiree health care expenses on the same basis as it does for active employees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The following table presents contributions required of eligible employees and retirees who elect to participate in the City of Mattoon's group health insurance plan.

Eligible Employees & Retirees Whose Pensions Are \$1,625 Or Less Per Month

	Employer Share (85%)	Employee Share (15%)
Single Coverage:	\$2,962.32 (\$246.86 / Month)	\$ 43.56 / Month
Family Coverage:	\$8,590.80 (\$715.90 / Month)	\$126.32 / Month

Eligible Retirees Whose Pensions Are More Than \$1,625 Per Month

	Employer Share	Retiree Share
Single Coverage:	\$2,700.00 (\$225.00 / Month)	\$ 65.42 / Month
Family Coverage:	\$8,400.00 (\$700.00/ Month)	\$142.22 / Month

Section 2. Retirees, who are currently enrolled, may participate in the City of Mattoon's group term life insurance plan by monthly withholdings from pensions, whether paid by the Illinois Municipal Retirement Fund, the Firefighters Pension Fund or the Police Pension Fund. The retiree contribution for life insurance shall be \$7.30 per month for those under 70 years of age and \$3.65 for those 70 years of age and older.

Section 3. Employee and retiree contributions adopted by this resolution shall become effective May 1, 2004.

Section 4. Retirees may continue making contributions to the group health and life insurance plans by personal check or cash until July 1, 2004. Thereafter, all contributions for payment of health and life insurance shall be deducted directly on a monthly basis from the pension benefits received by the retiree. The only exception to the direct deduction rule shall be when the IMRF rules and regulations do not allow for said direct deduction.

Upon motion by Mayor Carter, seconded by Commissioner Schilling, adopted this 6th day of April, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill, Commissioner Schilling, Mayor Carter

NAYS (Names): None

ABSENT (Names): Commissioner Hesse

Approved this 7th day of April, 2004.

/s/ David E. Carter

David Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 7, 2004.

Mayor Carter opened the floor for discussion. Mr. Gullion, Jr. questioned the number of elected officials receiving insurance benefits and the penalizing of recent retirees. Council stated the amounts were a compromise between unions and the City. Attorney Owen clarified that only three elected officials out of 26 IMRF retirees were enrolled in the insurance. Director Wortman added that the employees could pay more in the future, depending on Council action and insurance costs.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling and seconded by Commissioner Donnell moved to adopt Resolution 2004-2549, appropriating motor fuel tax funds for street maintenance materials.

RESOLUTION 2004-2549

RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY THE MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE.

BE IT RESOLVED, by the Council of the City of Mattoon, Illinois, that there is hereby appropriated the sum of \$480,000 of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable provisions of the Illinois Highway Code from January 1, 2004 to December 31, 2004.

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon as practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in the account(s) for this period; and

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this resolution to the district office of the Department of Transportation, at Paris, Illinois.

I, Susan J. O'Brien, Clerk in and for the City of Mattoon, County of Coles hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council at a meeting on April 6, 2004.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 7th day of April, 2004.

/s/ Susan J. O'Brien
City Clerk

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve Council Decision Request 2004-290, authorizing a \$4,563 procurement from MES-Global Fire Equipment for 27 PASS (Personal Accountability Safety System) Devices to be finance from FEMA "Assistance to Firefighters Grant".

Mayor Carter opened the floor for discussion. Council discussed the approval of the grant and procurement.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Schilling moved to approve Council Decision Request 2004-291, authorizing a \$6,345 procurement from MES-Global Fire Equipment for 27 Mask Mounted Voice Amplifiers to be financed from FEMA "Assistance to Firefighters Grant".

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner

Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Donnell moved to approve Council Decision Request 2004-292, authorizing expenditures not too exceed \$3,000 in the Water Enterprise Fund for title, survey, appraisal and septic tank evaluation service incidental to seeking competitive bids for the Youth Cabin site at Lake Paradise.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Mayor Carter moved to approve Council Decision Request 2004-293, reporting bids received and authorizing contracts for mowing ground owned by the municipality including a \$22,100 contract with Goad Lawn Care for Dodge Grove Cemetery; a \$6,268 contract with White's Lawn Care for the Lake Paradise Area; and a \$207.10 contract with All-Pro Tree Service for the Lincoln Prairie Bike Trail.

Mayor Carter opened the floor for discussion. Council with input from Director Wortman discussed with former member/members of AFSCME Local 3821, Donald Osborne, Jeff Ratliff, Tim Spidle, and Gary Olson, the Council's request to explore mowing contracts for the City, the cost effectiveness of bidding Lake Paradise and Dodge Grove Cemetery, letters to not contract out work signed by some Council members, effects on the general fund and water fund, previous transfers to the Cemetery to cover expenses, no maintenance around lake, additional funds necessary for the contract upon transferring worker to public works pool, mowing by park employees, and the best uses of the labor resources where needed.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Donnell moved to approve Council Decision Request 2004-294, authorizing a \$14,967.16 adjustment in the sewer utility bill of R.R. Donnelley & Sons Co.

Mayor Carter opened the floor for discussion. Attorney Owen explained the misreading of the sewer meter between June and December of 2003, and consequential over billing of R.R. Donnelley & Sons Company.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to approve Council Decision Request 2004-295, ratifying the promotion of David Griffith to a Captain position in the Police Department as recommended by the Board of Fire & Police Commissioners.

Mayor Carter opened the floor for discussion. Council with input from Administrator Underkofler discussed the nuisance duties, proposition of hiring a clerical-type position under Attorney/Treasurer Owen to succeed more aggressively in nuisance code enforcement, and the undetermined status of ESDA functions. Mr. James Abbott questioned the property at 1512 N. 10th Street that he had requested for years to be cleaned up. Mr. Gullion, Jr. questioned the reason for a nuisance ordinance with no enforcement. Mrs. Jackie Record questioned the person responsible for nuisances until another could be hired with a response that Captain Griffith would continue until another was hired. Commissioner Schilling announced that the Environmental Committee, meeting on April 22nd, expressed interest in becoming more actively involved with nuisances.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to approve Council Decision Request 2004-296, approving change orders for unforeseen conditions in the contracts for the City Hall Renovations Project.

Mayor Carter opened the floor for discussion. Council with input from Community Coordinator Kyle Gill and Attorney Owen discussed the difficulties in remodeling, desire not to spend more than the bond monies from the police grant and no change orders, questioned the length of time and over billing of the project, and the discontinuation of the project without the approval of additional change orders.

Mayor Carter declared the motion denied by the following vote: NAY Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, NAY Mayor Carter.

Mayor Carter opened the floor for public discussion. Mr. Doug Bell questioned the Girl Scout Cabin bids. Director Wortman would have the information for Mr. Bell. Jackie Record thanked the Council for their support of funding for the Depot, and passage of the transportation bill at the State level that included the Depot project. Commissioner Schilling thanked the presenters of railway safety for bringing the information to the Council.

Mayor Carter seconded by Commissioner Donnell moved to adjourn to executive session to discuss matters that may lawfully be discussed in closed session, topic pertaining to personnel, real estate or potential litigation at 8:23 P.M.; ratification of action of a Departmental Director terminating the employment of an employee of the municipality; Step III Grievance filed by AFSCME Local 3821 over a decision by a Departmental Commissioner to withhold approval of promotions to a higher pay grade; confidential voluntary disclosure agreement for taxes and fess imposed by the municipality relating to telecommunications services provided by Ameritech Advanced Data Services of Illinois, Inc.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Reconvened 9:06 p.m.

Commissioner Gambill seconded by Commissioner Donnell moved to approve the termination of a Police Department employee.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to uphold the grievance over a decision by a Departmental Commissioner to withhold approval of promotions to a higher pay grade.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner

Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Donnell moved to sign the voluntary disclosure agreement for taxes and fees imposed by the municipality relating to telecommunications services provided by Ameritech Advanced Data Services of Illinois, Inc.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter left the meeting at 9:07 p.m.

Mayor Pro-tem Schilling seconded by Commissioner Gambill moved to approve Council Decision Request 2004-297, authorizing the Mayor Pro-tem to sign an agreement with Peckham Guyton Albers & Viets (PGAV) of St. Louis for more definitive planning services within the Midtown Redevelopment Area.

Mayor Pro-tem Schilling opened the floor for discussion. No discussion.

Mayor Pro-tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Mayor Pro-tem Schilling, Absent Mayor Carter.

Commissioner Gambill seconded by Mayor Pro-tem Schilling moved to adjourn at 9:10 p.m.

Mayor Pro-tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Mayor Pro-tem Schilling, Absent Mayor Carter.

/s/ Susan J. O'Brien